

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

In Re:)	16-35074
)	
PATRICIA A. DANIEL,)	Chapter 13
)	
Debtor.)	Hon. Judge: CASSLING

NOTICE OF MOTION

TO: See attached list.

PLEASE TAKE NOTICE that on **Thursday, October 21, 2021, at 9:30 A.M.**, I will appear before the Honorable Judge **CASSLING**, or any judge sitting in that judge's place, and present the **Motion to Authorize Debtor to Settle Her Personal Injury Case**, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for government. No personal appearance in court is necessary or permitted. To appear and be heard on this motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com>. Then enter the meeting ID and password. Meeting ID is 161 414 7941. The password is 619.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the ID and password when prompted. Meeting ID is 161 414 7941. The password is 619.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Patricia A. Daniel
By: Michael R. Colter, II
David M. Siegel & Assoc., LLC
790 Chaddick Drive, Wheeling, IL 60090
847-520-8100

CERTIFICATE OF SERVICE

I, Michael R. Colter, II, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by method indicated on the list on September 21, 2021, 5:00 P.M.

To the following persons or entities who have been served via electronic mail:

United States Trustee, Patrick Layng

M.O. Marshall, Chapter 13 Trustee

To the following persons or entities who have been served via the U.S. Mail:

Patrica A. Daniel
14801 Minerva Avenue
Dolton, IL 60419

Portfolio Recovery Associates, LLC
Successor to CAPITAL ONE BANK, N.A.
P.O. Box 41067
Norfolk, VA 23541

Department of the Treasury
Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Illinois Department of Revenue
Bankruptcy Unit
P O Box 19035
Springfield, IL 62794-9035

First National Bank of Omaha
1620 Dodge Street, Stop code 3105
Omaha, NE 68197

Quantum3 Group LLC as agent for
Comenity Capital Bank
PO Box 788
Kirkland, WA 98083-0788

Capital One Auto Finance C/O
AIS Portfolio Serv LP fka
4515 N Santa Fe Ave Dept APS
Oklahoma City OK 73118

Capital One, N.A.
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701

Midland Funding LLC
PO Box 2011
Warren, MI 48090

JPMorgan Chase Bank, N.A.
Attn: Correspondence Mail
Mail Code LA4-5555
700 Kansas Lane
Monroe, LA 71203

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION**

In Re:)	16-35074
)	
PATRICIA A. DANIEL,)	Chapter 13
)	
Debtor.)	Hon. Judge: CASSLING

MOTION TO AUTHORIZE DEBTOR TO SETTLE HER PERSONAL INJURY CASE

NOW COMES, the Debtor, **Patricia A. Daniel**, by and through her attorneys, David M. Siegel & Assoc., LLC, to present this Motion, and in support thereof states as follows:

- 1) This court has jurisdiction pursuant to 28 U.S.C. § 1334 and Internal Operating Procedure 15(a) of the United States District Court, Northern District of Illinois, Eastern Division.
- 2) On November 2, 2016, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of Title 11 USC. The Plan was confirmed January 19, 2017, with payments of \$165.00 per month. General unsecured creditors will receive no less than 10% of their allowed claims.
- 3) Prior to debtor filing Chapter 13, she was involved in an automobile accident. Counsel for the debtor was unaware of this at the time of filing.
- 4) Counsel for the debtor became aware of the personal injury claim in February 2019, and began requesting information from debtor's personal injury attorney, Vrdolyak Law, for the purpose of filing a motion to authorize settlement.
- 5) Debtor's counsel filed amended schedules A, B, and C on March 13, 2020, after receiving limited information about the proposed settlement. The debtor's personal injury claim continued to plod along due to covid-19 related difficulties like court closures and communication problems between the parties.

- 6) Debtor received a payment of \$13,995.03 in 2017. Vrdolyak Law provided the debtor with a more recent settlement statement showing the debtor is set to receive an additional \$10,074.97 as a part of the settlement (Exhibit A).
- 7) Under Illinois law 735 ILCS 5/12-1001(h)(4), the debtor is entitled to keep \$15,000.00 of the settlement. Debtor is also applying the remainder of her “wildcard” exemption under 735 ILCS 5/12-1001(b), which is \$2,150.00. Debtor filed Amended Schedules A/B and C on September 20, 2021 (Exhibit B).
- 8) Debtor is nearly finished with her chapter 13 plan. The confirmed plan requires the debtor to pay her general unsecured creditors no less than 10% of their claims. The general unsecured creditors will receive an additional \$6,920.00, less trustee’s fees, as a result of the personal injury claim.

WHEREFORE, the Debtor, **Patricia A. Daniel**, prays that this Honorable Court enter an Order Granting Debtor’s Motion to Authorize Debtor to Settle her Personal Injury Case and for other such relief as the Court deems fair and proper.

Respectfully Submitted,

/s/ Michael R. Colter, II
Michael R. Colter, II, A.R.D.C. #6304675
Attorney for the Debtor

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Wheeling, IL 60090
(847) 520-8100
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